Present

App. F. IX-4

Previous References

193 5 (Muzrai)

File No. 187-3

Serial Nos. 1—9

Letter References.

Muz Dep 130-36.

~~Revenue~~ 112-36-1-4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 9

Part B for September 1936

SUBJECT.

Appeal re the lease of lands belonging Akhal Sha Khadri Dargah at Channapatna

Do. Mallegowda & other Ryots of Kadlurvillage Channapatna Tk.

~~Bangalore Press~~

WD 0415—GPB—22,500—29-8-36

c/o M N. Keshavamurthy Advocate Bangalore City

381 of 8-9-36

Perhaps that there are no reasons interfering with Muz. Comrs orders

Re: Lands in Kurlam Village - Channapatna
Taluk belonging to Akhalshah Khadri Dargah
of Channapatna

General and Revenue Secretariat | File No. 187 of 1935-6 | [App. F. III—2

Serial No.

Petition of 27.1.36 from Malegowda and 13 others of Kurlam Village Channapatna Taluk appealing against the order of the Muzrai Commissioner in the matter of leasing out the lands in Kurlam Village belonging to Akhalshah Khadri Dargah at Channapatna

Petition of 27.1.36 from Malegowda Residing at Doddi Sanke Nagenahalli-Kasaba Sumnath Channapatna Taluk praying for a stay of order passed by the Muzrai Commissioner re: the lease sale of the lands referred to therein -

1) The M-in's order appealed against is of 12-11-1935 & the time taken for the preparation & delivery of the M-in's order copy is 5 days - so much time allowed for preferring the appeal viz 90 days has not been exceeded - & the Memorandum is duly stamped.

2) Hence, the appeal could be admitted & records called for.

3) As regards the stay of order asked for by the 1st appellant Malegowda in para 9 of the P.M. of I it is stated that he & other appellants have an irrevocable [illegible]

NOTE —Contn. Sheet.

WD 05591—GPB—30,000—18-7-35

having long & uninterrupted possession and enjoyment of lands having a fixed amount of Kandayam for several generations to the original owners viz perhaps to the Durga authorities. The papers do not appear to have been handed to the lower Court in the enclosure No. 6 but appealed against to be passed on the recommendation of the D.C to lease out the said lands of the Durga. Mr. for copy of the papers for a stay order is filed for orders — As seen from the Report of the Inamdar, the lands of Kandayam Inam lands endowed for the support of Vikalshah Khadri Durga Chankapalya

28
13-2-36.

4) The records may be called for.

5) The M.C. has agreed to the D.C's recommendation to lease the lands to the present enjoyers for a period of 10 years on a yearly rent of Rs 5/- per acre on dry lands & Rs 10/- per acre on garden lands and directed that lease deeds on the prescribed form should be obtained

A.

Lands belonging to Abbalsha Khadri
Dmpr. Channapatna — 5088/35
1

General and Revenue Secretariat | File No. 167 of 1935 | [App. F. III—2

Serial No.

from the lessees and not registered and that such of the tenants as do not agree to take up the lease or none tenure may be evicted.

b) A stay of the order passed by the Dy. C. as above is prayed for. Before this appeal may be granted pending final orders in this case.

13/2/36

I Member)

OFFICE OF THE
HIGH COURT OF JUDICATURE
14 FEB. 1936
MYSORE

(7) Has not the Regr's re Mur appeals come into force. If so, please examine & note if there are points of law or I & The Dy C's order The original order or appellate order from which appeal is preferred.

14/2

(8) Protection for W.C. wishing further information called for in para 7 supra.

15/2 15/2

10) Kind reference is invited to Regulation VIII of 1935 — page 98 of the Mysore Gazette of 16.1.1936 (Vide also No P 4479/Legis 58-35-1 dt 9/10.1.36)

One 15/2

B

Please See page 10, Part-IV of the Mysore Gazette of 16th Jan '36.

15/2/36

NOTE.—Contd Sheet.

WD 03591—GPB—30,000—18-7-35

Appeal against

Abdul Shah Wadir Chan

Mun File No. 197 of 1935-6 General and Secretariat

Sub Sec^{n} (2) of Sec^{n} 38 of the Muz. Reg^{n}. has been amended to the following effect:—

"An appeal will lie to Govt. against every order passed by the M.C. provided that no such appeal shall lie to the Govt. from an appellate decision passed by the M.C except on a point of law or usage having the force of law"

Hence
B. Govt
dt 16.1.36

(1) It is respectfully stated that the M.C's order now appealed against A is the original order as it was passed on a recommendation of the D.C. dt. with reference to proceedings.

(2) Attention is also invited to section 39 of the Religious and Charitable Institution permitting petitioners to request Govt. to review orders by a Magistrate officer. The petitioner may prefer a petition under that section if his appeal is rejected.

26.2.36. for review

(3) From the Copy of the M.C's order filed with the petition, it will be seen that the M.C's order is the original order and not an appellate order.

Refer:— I Member's orders at para 7 ante

Gen: Secy) 17/2/36

2nd Member) 17/2

1st Member) 17/2

(4) Record may be called for

MINISTRY OF HOME AFFAIRS
17 FEB. 1936
No. S/866

Serial No.

within a definite time fixed

16) Stay order may issue

for

17) Minute 18/2
and
18/2

18/1

18) The time prescribed for subm[n] of appeal) records by the D.C. is 15th March 1936 & thereto for approval

19) D/s Submitted for Stay order

G.S 18/2

20) D/ 18/2

Memo no 1125 of 18/2/1936 to the Inspector Commissioner forwarding the petition in original for submission of the entire connected records.

3 No 1123 of 18/2/36 to the Counsel for the petitioners intimating the grant of the Stay order as prayed for by them

No 1124 of 18/2/36 to the Inspector Commissioner requesting him to take his order in abeyance till the final disposal of the appeal petition

Letter no H.C. 59/35-36 of 25-3-1936 from

WD 0591—GPB—30,000—18-7 35

to Akhal Shah Khadri Chanrapatna —

Mlg File No. [illegible] of 1935 G General Secre

the Mujrai Commissioner submitting records connected with the appeal.

2) Said appeal is invited by G.O. no. 926-28 / M.I 47-18-2 dy 21.9.1918 sanctioning a revised scale of expenditure for the Akhal Shah Khadri Dargah of Channapatna. In the 1st para of the memorandum annexed to the said G.O, it is stated that the Inam lands of the Dargah are badly managed and in the enjoyment of persons unconnected with the institution — The question of restoring the lands for the benefit of the Dargah has to be taken up early for enquiry & action. The Kudum Agraharam is a Sarvamanya village for the said Dargah. The total Inam granted to the Dargah as seen from page 101 of the Inam Register is 40 acres 27 guntas, the assessment thereon being Rs 56/- In addition a Dharmadarsi of the Dargah has deposed before the Amildar that the yield in the shape of money to the Dargah from the said Sarvamanya Inam village is Rs 600/- p.a. Hence it is used for Mohamedan expenses. Much the land is in the occupation of 60 to 70 Ryots. Muzrandari of the

Lands belonging to Akhil Shareefs Dargah at Channapatna.

General and Revenue Secretariat — File No. 167 of 1935. — [App F. III—2

Serial No.	
x	Institution has given the same Statement in print & yield annually. The Ryots also have deposited for the Office that they have been keeping the Kandayam & enjoying the lands for over 60 Generations & have produced receipts issued to them. The earliest receipt in the records being that one for the year 1884. When the petition came up before the S. Dy. he the Amildar's report of 15/2/35 to the effect that the lands may be left with ryots on payment of double the Kandayam, the S. Dy has observed that no Inam land can be transferred permanently, that in view of the law yield the Dargah is in receipt of, the Amildar was asked to enquire & report if the ryots would pay Rs 5/- per acre in the case of dry lands & Rs 10/- in the case of garden lands - failing which it was ordered that they should be ejected from the lands, the lease salami the latter being effected with- out - the existing lands
Hg S	

NOTE.—Contn. Sheet

WD 0J594—GPB—30,000—18-7 35

Sha, Dargaab

File No. 167 of 193

General and Revenue Secretariat

Made the ryots to appear before the S.D.O to represent their grievances - The S.D.O has recorded on 6/7/35 - that they were present but refused to give their statement under Sec 10 of the New Regulation, the lands of the Dmpt being leased out for Pannchaal Cultn & the result reported. Thereafter the ryots filed a stamped pet^n dt 10/8/35 — in which they prayed that the lands be given to them on Bhagyam pattah basis or the barren lands be leased out to them for 50 yrs - Similar pet^ns addressed to the R.C were referred to the D.C the Assistant ~~Collector~~ for his report and the spare copy to the pet^rs - The report called for by the D.C. Bangalore was sent by the S.D.O on 16.9.35 — wherein he has opined that the Claim of the ryots for permanent tenancy is out of consideration. Agreeing with the S.D.O, the D.C. Submitted a report to the M.C. in which he sought direction to the terms of the lease as proposed by the S.D.O.

The M.C. Sanctioned this on 11.11.35 —

H.

I.

C

G

Lands belonging to Sri Khadri Swamy at Chandapalem

Revenue Misc File No. of 193 [App. F. III—2

Serial No.	
	Thereupon the Petrs presented a review Petn of 27/11/1935 to the M.C (File enclosing Flag W). They do not appear to have been heard & have been informed that there are no grounds to revise the order already passed.
W	2) It is against this order they are now in appeal before Govt., & a Stay of the M.C's order has been obtained from here. It is subd that there can be no Kadim tenancy rights in respect of Devadaya Inam lands. From the records it is seen that the ryots have been continuously in possession of the lands paying a fixed sum of Rs 60/- to the Swamy Authority.
X Y	In their Petn of 21/8/1935 they have expressly stated that a long lease of ten yrs requires them with an option at their hand to renew the lease for further periods of 10 yrs + that a quit of Rs 3/- & Rs 4/- per acre N.A be fixed. In the face of this, their claim to the Kadim tenancy rights

Note — Contn Sheet.

(P.D.)—3594—GPB—30,000—18-7-35

Khadri Darga

Mrg File No. 167 of 193 General Secret

is not tenable - As they have enjoyed the lands all these years paying only a sum of Rs 65/- to the Dargah, whether any concession is called for is a point for orders —

(Gs 23) The ryots cultivating the P/S land do not claim ownership of the land. Nor have they produced any documents proving their ownership of lands. Their only objection to eviction from the lands is that they will be put to hardship if they are evicted from the lands. They admit that they are paying a rent of Rs 68-14-6 per annum to the Mokandar in their statement made by them before the Revenue Inspector dated 29th Oct. 1934. They have agreed to render labour without any remuneration in the Darga during Moharam such as carrying religious emblems and during certain Utroos. They would not have agreed to render such free labour in the Darga if they had not been tenants of the lands belonging to the Darga -

concession rates of rent,

Serial No.

since Rs 68-12-6 is not to be considered a reasonable rent or gutta for the land by the S.D.C. and the Dy. Comr. In the register of inam lands of muzrai institutions of Channapatna Taluk the lands are reported to be the property of Akhil Sha Khadri Dargah at Channapatna. It is thus quite clear that the lands belong to Akhil Sha Khadri Darga. The ryots are not likely to be evicted from the lands, as apprehended by them, if they pay any reasonable rent that may be fixed by the Dy. Comr. or the Muzrai Comr. 2(4) They have requested that they should be considered to be Khayam-guttadars of the land, i.e., they request that the lands should be leased to them permanently. (Vide the S.D.C.'s report No. A3.151/35-36 dated 6th sept. 1935). The S.D.C. refused to grant this request and proposed that the lands may be leased for 10 years at Rs 5 per acre for dry lands and Rs 10 per acre for garden lands. (Vide his report 6.9.35). The

WD 03594—GPB—30,000—18 7 35

Khadri at Channapatna

Mis 3 File No. 167 of 1935

General and Revenue Secretariat

Dy. Comr., Bangalore Dt., ~~made a~~ supported the proposals of the S.D.O. in his letter No. C3.353/34-35 dated 26th Sept. 1935. The Inspr. Comr. ~~approved~~ of the proposals made by Dy. Comr. in his order No. D.Dis.140/35-36 dated 12th Nov. 1935. The Dy. Comr., Bangalore Dt., reports in his letter of 26th Sept. 1935 that the ryots are willing to agree to a lease for 10 years and to pay a rent or gulta of Rs 3 or Rs 4 per acre. The petitioners have now appealed against the orders of the Inspr. Comr. dated 12.11.35. Govt. have ordered that lands of Inspr. institutions should be leased ordinarily for 5 years. Permanent ~~and~~ leases and leases for an indefinite period are not permitted, as ~~such~~ long leases are highly prejudicial to the interests of the institution. (Vide page 232 of the Inspr. Manual). ~~The order of the Inspr. Comr. is therefore in accordance~~ It is therefore a point for orders whether there is any necessity to revise the orders of the Inspr. Comr.

RDS
2.5.36.

Re: lands in Kudlu Sankaranarayana Inam Village - Channapatna Taluk belonging to Sri Akhilesha Khadri Dargah -

General and Revenue Secretariat MM3 File No. 187 of 1935. [App. F. III—2

Serial No.

25 The lands in question are inam lands granted for the upkeep of the Akhil Shah Kadri Dargah at Channapatna and the Inamdar has no right to lease them to any one on a kayam gutta tenure. Even the tenants who have been in the enjoyment of the lands for some years past have not succeeded in establishing their right to such a permanent tenancy. Simply because the Makandar has gone on leasing the lands from year to year on a nominal rent, and thereby has brought the affairs of the institution to an unsatisfactory condition, it does not mean that the muzrai officers cannot step in and regularise the affairs by leasing the lands at a reasonable rental for a fixed number of years.

Hago & T

26 The Sub-Dn Officer has accordingly ordered that the lands should be leased out to the present tenants for a period of ten years at Rs. 5 per acre in the case of dry lands and Rs 10 in the case of bagayet lands. This order has been approved by the Dy. Commr and sanction of the Muzrai Commr has also been obtained thereto.

IS BT W

27) The order under appeal is correct and requires no interference. The petition may therefore be rejected and the stay order already passed vacated.

- 5 MAY 1936

Gen. Secy) Dec 5/5/36

28) Do the papers show on what basis the rent-

NOTE.—Contn. Sheet.

WD 0591—GPB—30,000—18-7-35

Mug File No. 187 of 1935. General and Secretariat

1058

fixed at Rs 5 per acre for dry & Rs 10 per acre for wet lands? I see no information in the file regarding this

Rao
11/5
org

24) As stated by the general Secretary no information is available in the file as regards the basis for fixing the rent at Rs 5 per acre for dry lands and Rs 10 wet lands, which were proposed by the Sub-Dvn. officer in his report No. A3-151/35-36 dated 6th Sept. 1935. The Dy. Comr., Bangalore Dt., and the Mysore Comr., who have approved of the levy of rent at this rate from the lessees (or tenants) cultivating the land of the Akhil Sha Khadri Dargah, have not also given any reason for the levy of rent at the rate referred to above. May the Mysore Comr. be requested to furnish information on this point? submitted with a draft.

Issue
org
Ry 5/36

Rao
11.5.36.

No 1582 of 15/5/36 to the Mysore

TYPING SECTION, GENL. SECTT. 12 MAY 1936

General and Revenue Secretariat — Muz — File No. 187 — of 193 5 — [App. F. III—2

Serial No.

Commissioner calling for additional information —

Letter no HC 59/35-36 dt 16.7.1936 from the Muzrai Commissioner furnishing information called for —

31 dt. Calling for m.c's office file on the subject to be sent forward —

32) Same

No 229 dt 11.8.36 to the Muzrai Commissioner calling for his office file on the subject.

No HC 59/25-26 dt 15.8.1936 from the Muzrai Commissioner furnishing his office records on the subject.

32 — Kindly see is invited D.C's letter no C 3-3087/35-36 dt 12/6/36 addressed to the M.C. from which it is clear that the rates of Rs 150/- per acre in respect of dry & garden lands respectively were proposed by the E.S.D.O in consideration of the grants from similar lands in the neighbourhood & those belonging to Sri Abdul Shakoor Sahib Bungalow-Chowkpalya — This is to be laid with Reply to para 31 above.

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7 35

Consulted to him office if there is any scope for the ryots to establish their tenancy rights (above G.S. 34) the team tenants who cultivate (37) the lands of the Darga have to pay the rent, which they have agreed to pay. The lands should be leased to the highest bidder in open competition. (Vide G.O. No. 2594-62 / Mysg 366-18-2 dated 25th February 1919). The tenants of lands belonging to Muzrai institutions have therefore no rights worth speaking. There is therefore no necessity to refer the file to the Law Section.

Para 4 of the Muzrai Manual

The facts of the case are fully explained in para 23 of the notes. Attention is invited to letter No. C3.30 & 7 / 35-36 dated 12th June 1936 of the Dy. Comr., Bangalore Dt., as regards the enquiry made by the General Secretary in para 28 of the notes regarding the basis on which rent has been fixed at Rs 5 per acre for dry lands and Rs 10 for wet lands

17.

31.8.36 Gen Secy)

dcg 31/8/36

31 AUG 1936

In the undersecretary's note in paragraph

abstract No. 21 of 35-36 (17)
Lease deed executed
for the maintenance of the Akhilesha Khadi Deepa
Chowrahaha

General & Revenue Secretariat. Mudg. File No. 167 of 193 5. [App F. III–2

Serial No.	
	25, 26 & 27 sums up the position correctly. The lands are vitam & the rent has to be fixed for the institution. The rent proposed (Rs 5 per acre for dry and Rs 10 per acre for wet land) seems to be fair. There is no reason to interfere with the action of the local revenue officers. The petition may be rejected (and the stay order withdrawn.)
	Mo 11/9
	First member) 37) I agree
	SPL 4/9
	37) Draft sd 5/9/36
	Order —
	Go Issue sd 7/9/36
9	No 381 of 8. 9. 1936 to Mallegowda & others Ryots C/o Mr N. Keshaviengar Adv. to Bangalore city intimating that there is no reason to interfere with the order of the Mudg. Dy Commissioner in the matter.

NOTE—Contn Sheet

Mus 3 File No. 187 of 193 5

General and Revenue Secretaria

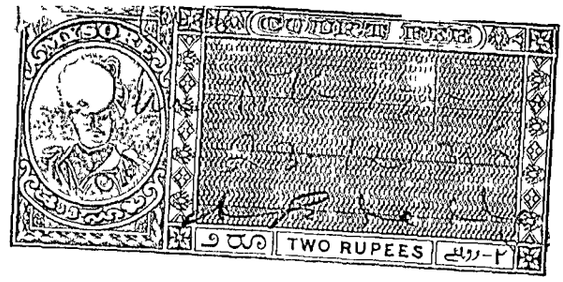
Memo no 382 — 8.9.1936 — G

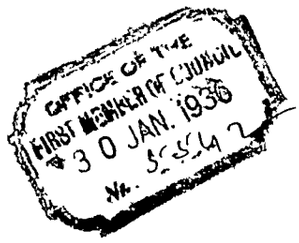
the Mysore Commissioner forwarding copy of the above letter and returning the records received from him on the subject.

B
14.9.36

15/9

Mys 187-35=1





6-8
1-19

IN THE COURT OF THE COUNCIL OF HIS HIGHNESS THE

MAHARAJA OF MYSORE, BANGALORE.

Miscellaneous No. 21 of 35-36
~~R.A. 3 / 35-36~~

Appellant:- Malle Gowda, son of Konde Gowda, 35 years, 2. Sidde Gowda son of Javaraje Gowda, 30 years, 3. Dase Gowda son of Dase Gowda, 25 years, 4. Kunchi Gowda son of Dase Gowda, 40 years, 5. Chikide Gowda son of Sidde Gowda, 50 years, 6. Dodda Malle Gowda son of Marihyde Gowda 60 years, 7. Kariputte Gowda son of Mote Gowda, 35 years, 8. Dyave Gowda son of Nanjunde Gowda 35 years, All gangidikar Gowda Vokkaligars, Residing at Dahkle Doddi of Santhe Magena Halli, Kasba Hobli Channapatna Taluk. 9. Chikunde Gowda son of Marikyde Gowda, 45 years, 10. Dodde -- Gowda son of Karupangi Gowda, 55 years, 11. Kempi Gowda son of Dase Gowda, 40 years, 12. Putte Gowda son of Dase Gowda, 50 years, Kari Gowda son of Haji Kale Gowda, 45 years, 14. Kari Gowda son of Kale Gowda, aged about 35 years 9 to 14 are residing at Malleswaram Bangalore City.

8/2
8/2
8/2

+(VS):-

Respondent:- Akil Sha Khadari Darga, Channapatna.

--oOo--

The Appellants abovenamed beg to prefer this

this appeal to this Hon'ble Court against the order of the Learned Muzarai Commissioner in Mysore, Bangalore, bearing No. D. Dis.140/35-36 dated 12/11/35 on the following among other - grounds and pray the same may be set aside and suitable orders be passed:-

GROUNDS.

1. That the Learned Muzarai Commissioner grossly erred in accepting the report of the Deputy Commissioner in toto and passing the - order under appeal.

2. The lower court has utterly ignored the irrevokable right of the Appellants being the natural consequence of their long and un- -interpreted possession and enjoyment of the said land and the payment of a fixed amount of kandayam for several generations to the original owners.

3. That the Learned Revenue Commissioner has actually made out a case for the Respon- dent and created rights in him which never --- existed.

4. That the payment of the lower court is highly imprpper, illegal, and against the facts and evidence on record and probabilities of the case and opposed to the trend of the decisions - applicable to this case.

N. Keshavacharya

Bangalore,
Dated 27-1-36.

ADVOCATE FOR THE APPELLANTS.

60/2

Order of the Inam Commissioner in Mysore Bangalore

Reference :-

Letter No C 3-353/34-35 dated 26th September 1935 from the Deputy Commissioner Bangalore District recommending the lease of certain inam lands belonging to the Akil Shah Khadri Darga at Channapatna for a period of 10 years to the persons in enjoyment of the same.

Order No D: Dis 140/35-36 dt 12/11/1935

S.No.	Kind	Extent	Assessh
129	Dry	6-0	7-8-0
	garden	0-8	
130	Dry	4-17	6-0-0
	garden	0-12	
131	Dry	5-34	7-8-0
	garden	0-12	
132	garden	0-28	3-8-0
133	do	1-3	4-8-0
134	Dry	3-24	6-0-0
135	garden	0-24	2-8-0
136	Dry	5-14	7-8-0
	garden	0-15	
14	Dry	5-17	6-0-0
143	"	4-19	5-40-0
		40-27	56-0-0

The marginally noted 10 S. Nos measuring in all 40.27 gunthas assessed at Rs 56/- in Kudlur village Channapatna Taluk are Sarkamanya inam lands endowed to the Akhil Sha Khadri Dargah at Channapatna

e in the enjoyment of certain persons inconnected with the institu for a long time on payment of about Rs 60/- per annum, besides rendering certain Services in the Darga and that they have been claiming Khayamgutha right over the lands. As no such right has been Confirmed on them their Claim is untenable. But in view of their long enjoyment the Deputy Commissioner agreeing with the Sub Division officer Closepet, recommends that the lands may be leased out to the present anubhavadars for a period of 10 years on a gutta of Rs 5/- per acre on dry land and Rs 10/- per acre on garden land.

On the circumstances reported by the Deputy Commissioner his recommendation is approved.

Lease deeds in the prescribed form should be obtained from the lessees and duly registered as required by the Standing Orders. Such of the tenants who

for Chief Secretary to Govt

60/3

do not agree to take up the lease may be evicted from the lands in their enjoyment and action taken to lease out the lands.

S/d. K. R. Anantharaman
Muzrai Commissioner

Copy applied for by Mr Hullagowda on 22-11-35
" ready on 26-11-35
" delivered on 26-11-35

No of words 315
Copying fees 0-8-0
Comparing " 0-1-4
Total 0-9-4

Copied by H Rama Rao.
Compared by S Jayaramaddas

" Copy "
S. Ramaswamaiya
Manager,
Muzrai Comm's Office

In the Court of the Council, Bangalore.

R.A. No. of 1936

Plaintiff.

Chuckka Hyda Gowda & others

Defendant.

Abdul Sha Khadari Dargha Channapatna

I/We above-named do hereby appoint and retain Mr. N. Keshavaiengar B.A., B.L. Advocate to appear for me/us in the above case and to conduct, and prosecute or defend the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein. I/We empower my/our Advocate to appear in all miscellaneous proceedings in the suit or matter till all decrees or orders are fully satisfied or adjusted and to obtain the return of documents and draw any moneys that might be payable to me/us in the said suit or matter. And I/We undertake to ratify and Confirm all legal acts done or caused to be done by my/our said Advocate in the case by virtue of these presents.

In witness whereof I/We have hereunto set my/our hand this

day of 7/1/ 1936

Accepted.

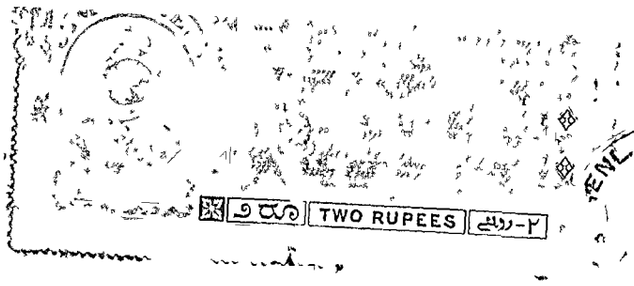
Advocate.

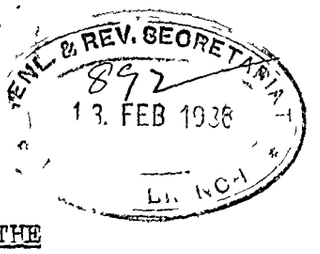
Signed by the Executant who is known to me in my presence.

T Maike & Kariswa

Signed in my Presence

N. Keshavaiengar
Accepted Advocate.





IN THE COURT OF THE COUNCIL OF HIS HIGHNESS THE

MAHARAJA OF MYSORE, BANGALORE.

R .A. / 35-36.

Appellant :- Vs. Respondent :-

Chikka Hyde Gowda.

Akil Sha Khadari Darga, Channapatna.

The petitioner abovenamed do hereby solemnly state and pray as follows:-

I. That for the reasons contained in the accompanying affidavit this Hon'ble court may be pleased to issue an order of stay of execution of the order of the Huzurai Commissioner No. D. Dis. 140/35-36 dated 12-11-35 pending disposal of the above appeal.

2. The Appellant further pray that this Hon'ble Court be pleased to issue an ad-interim order of stay pending disposal of this petition.

Bangalore,
Dated 27-1-36.

Appellant.

I the appellant do hereby solemnly declare that what is stated above are true to the best of my knowledge and belief.

Bangalore,
Dated 27 1-36.

Appellant.

IN THE COURT OF THE COUNCIL TO HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE.

R.A. /35-36.

Appellant :-	Vs.	Respondent :-
Chikke Hyde Gowda and others.		Akil sha, Khadari Darga Channapatna.

AFFIDAVIT.

I, Malle gowda — son of Kode, aged — Residing at Dhakle Doddi Santhe magena Halli, Kasba Sammath, Channapatna Taluk, do hereby solemnly -- declare and state as follows :-

1. That We have this day filed an appeal before this Hon'ble Court against the order of the Learned Muzurai Commissioner, Bangalore and the same is --- pending disposal.

2. That the local Revenue Officers Viz., the Amildar of Channapatna Taluk is hastening the execution of the order under appeal and insisting upon our vacating the land immediately.

3. That we have every confidence of convincing this Hon'ble court of the justice of our claim and I respectfully submit the order of the Lower Court under appeal will not bear a moment's scrutiny by this Hon'ble court.

4. That in case I were to be forcibly ejected from the land before the above appeal is disposed of untold hard-ship and irrepairbly injury will be dome to me and justice itself will be made to suffer.

5. That the lands in question which we hold for the past several generations are the main source of existence for us and if we are ejected from the same by force we would be left - in the larch and bereft of all means of living -- whatever and we would be utterly ruined.

6. It is therefore imperative and necessary in the interest of justice that this Hon'ble court be pleased to issue an order of stay - pending disposal of the above appeal.

SWORN TO BEFORE ME.

DIST. [illegible] COURT. 27/1/36

IN THE COURT OF THE COUNCIL TO HIS HIGHNESS THE

MAHARAJA OF MYSORE, BANGALORE.

R.A. /35-36.

Appellant :-	Vs.	Respondent :-
Chikke Hyde Gowda and others.		Akil Sha Khadari Dargah Channapatna.

AFFIDAVIT.

I, ~~Chikkahide~~ Chikkahide-gowda son of ~~Lidde~~ Lidde gowda Residing at Dhakle Doddi Ganthe mareno Palli, Kasba Ramnath, Channapatna Taluk, do hereby solemnly -- declare and state as follows :-

1. That we have this day filed an appeal before this Hon'ble Court against the order of the Learned Huzurai Commissioner, Bangalore and the same is -- pending disposal.

2. That the local Revenue Officers Viz., the Amildar of Channapatna Taluk is hastening the execution of the order under appeal and insisting upon our vacating the land immediately.

3. That we have every confidence of convincing this Hon'ble court of the justice of our claim and I respectfully submit the order of the Lower Court under appeal will not bear a moment scrutiny by this Hon'ble court.

4. That in case I were to be forcibly ejected from the land before the above appeal is disposed of untold hard-ship and irremediable injury will be done to me and justice itself will be made to suffer.

3. That the land, in question which we hold for the past several generation are the main source of existence for us and if we ejected from the same by the force we would be left - in the lurch and bereft of all means of living -- whatever and we would be utterly ruined.

4. It is therefore imperative and necessary in the interest of justice that this Hon'ble court be pleased to issue and order of stay - pending disposal of the above appeal.

L. T. Mark

Chikkide gowda

(J. J. Adamodaraka)
Advocate's Clerk

SWORN TO BEFORE ME

Advocate

DIST. & SESSIONS COURT

27/7/86

IN THE COURT OF THE COUNCIL TO HIS HIGHNESS THE

MAHARAJA OF MYSORE, BANGALORE.

R.A. /35-36.

Appellant :- Vs. Respondent :-

Chikke Gyde Gowda and others. Akil sha Khadari Darga Channapatna.

AFFIDAVIT.

I, Dase gowda son of Dase gowda Residing at Dhakle Doddi Santhe magena Halli, Kasba Sammath, Channapatna Taluk, do hereby solemnly -- declare and state as follows :-

1. That We have this day filed an appeal before this Hon'ble Court against the order of the Learned Huzurai Commissioner, Bangalore and the same is --- pending disposal.

2. That the local Revenue Officers Viz., the Amildar of Channapatna Taluk is hastening the execution of the order under appeal and insisting upon our vacating the land immediately.

3. That we have every confidence of convincing this Hon'ble court of the justice of our claim and I respectfully submit the order of the Lower Court under appeal will not bear a moments scrutiny by this Hon'ble court.

4. That in case I were to be forcibly ejected from the land before the above appeal is disposed of untold hard-ship and irrepairble injury will be done to me and justice itself will be made to suffer.

5. That the land in question which we hold for the past several generation are the main source of existence for us and if we ejected from the same by ~~the~~ force we would be left - in ~~A~~ l arch and bereft of all means of living -- whatever and we would be utterly ruined.

It is therefore im erative and necessary in the interest of justice that this Hon'ble court be pleased to issue and order of stay - pending disposal of the above appeal.

SWORN TO BEFORE ME.

IN THE COURT OF THE COUNCIL TO HIS HIGHNESS THE

MAHARAJA OF MYSORE, BANGALORE.

R.A. /35-36.

Appellant :- Vs. Respondent :-

Chikke Hyde Gowda and others. Akil sha, Khadari Darga Channapatna.

AFFIDAVIT.

I, Kari gowda son of Kale gowda

Residing at Dhakle Doddi Santhe magena Halli, Kasba Sammath, Channapatna Taluk, do hereby solemnly -- declare and state as follows :-

I. That We have this day filed an appeal before this Hon'ble Court against the order of the Learned Muzurai Commissioner, Bangalore and the same is --- pending disposal.

2. That the local Revenue Officers Viz., the Amildar of Channapatna Taluk is hastening the execution of the order under appeal and insisting upon our vacating the land immediately.

3. That we have every confidence of convincing this Hon'ble court of the justice of our claim and I respectfully submit the order of the Lower Court under appeal will not bear a moment scrutiny by this Hon'ble court.

4. That in case I were to be forcibly ejected from the land before the above appeal is disposed of untold hard-ship and irrepairbly injury will be dome to me and justice itself will be made to suffer.

5. That the land in question which we hold for the past several generation are the main source of existence for us and if we ejected from the same by ~~kkk~~ force we would be left - in ~~l~~ arch and bereft of all means of living -- whatever and we would be utterly ruined.

6. It is therefore imperative and necessary in the interest of justice that this Hon'ble court be pleased to issue ~~and~~ order of stay - pending disposal of the above appeal.

L Tamak
Kati gowda

SWORN TO BEFORE ME.

S/ [illegible] Rao
Head's clerk

V. Venkatasubbaiah Gowda
27/1/26

DISTRICT & SESSIONS COURT, [illegible]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 18th February 193 6

No. 1123/Rev 187-35-3

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

Mr.N.Keshaviengar, B.A., B.L.,
Advocate, Bangalore City.

~~Sir,~~

Dear Sir,

With reference to petition dated 27th January 1936 filed by you on behalf of Mallegowda and 13 other ryots of Kudlur village appealing against the order of the Muzrai Commissioner in respect of lands belonging to Akil Sha Khadri Darga at Chennapatna I am directed to inform you that the request of the petitioners for a stay of the orders of the Muzrai Commissioner is granted pending final disposal of the appeal petition.

Yours faithfully,

Sd. M.Venkatesa Iyengar.

General Secretary to Government

Memo No. 1124/Rev 187-35-3

Dated Bangalore, the 18th February 1936.

Copy of the above is forwarded with compliments to the Muzrai Commissioner in Mysore with a request that his order No. D.1.Dis.140/35-36 dated 12th November 1935 on the subject of leasing out the said Darga lands may be held in abeyance till the final disposal of the appeal petition.

By order,

General Secretary to Government.

B.K.M.3

Appendix F G—1]

SUBJECT .....

.....

.....

Section Mm3

File No. 187-35

Serial No. 3

Diary No. of letter replied to .....

No. 1123

To

M. N Keshavicupa Bar-at-Law

Advocate Bangalore City

General and Revenue Secretariat

( )

the *193*

Dear Sir

Date of issue ...18-2-36.....

Signed by T.V.S. Deputy Secretary to Govt

With reference to your letter dated 27-1-36 filed by you on behalf of Malegowda & 13 other ryots of ~~Kasaba~~ Kudlur Village belonging to Ahmad Shah Khadri Sahib of Channapatna appealing against the order of the D.C. I am directed to inform you that the request of the

List of enclosures .....

in respect of lands

Copied by .....

Examined by

WD 01956—GPB—22,590—12 6-34

Yours faithfully

2/1.8/2

for Gen Sec

Memo No 1124/Mug 187-35

Copy to the m.c for his a regd 46-2-36

That his order of 6th 140/35 36

by 17/11/35 and subject of

leading on the said Dunga

Lands Mayne held in abeyance

till the final of Tonal of

the appeal pdg

B O

2/15/2

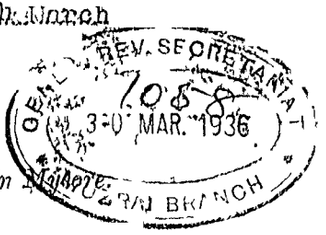
for Gen Sec

Gr

1/3/2

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

Dated, Bangalore, 18th March



FROM K. V. ANANTARAMAN, Esq., B.A
~~N. MADHAVA RAO, Esq., B.A., B.L.~~
Muzrai Commissioner in Mysore.

To

M. Venkatesa Iyengar, Esq., M.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department.*

892

SIR,

Appeal Petition of Hallegowda and others
re. leasing out certain inam lands
belonging to Akil Shaw Khadri
Darga at Channapatna.

Adverting to your Memo No.1125/Muz.137-35 dated the 18th February 1936 calling for the entire records re. the above, I have the honor to forward herewith the marginally noted files received from the Deputy Commissioner, Bangalore District, with his letter No.C3-3087/35-36 dated the 11th March 1936, as also this office files Nos.D1 Dis.140/35-36 and App.12/35-36 which explain the facts of the case.

Vernacular file ending with Sub Division Officer's Memo No.A3-832/35-36 dated 5-3-1936
Deputy Commissioner's Office file No.C3-353/34-35 dated 18th November 1935.

The petition and its enclosures received with your letter under advertance are returned herewith.

I have the honor to be,

Sir,—

Your ~~most~~ obedient servant,

K V Anantaraman

Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 1582/Muz 187-35-5 Dated, Bangalore, 12th May 1936 ~~193x~~

Encl Receipt

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Muzrai Commissioner in Mysore,

Bangalore.

Sir, Subject.- Appeal of Malle Gowda and others regarding the lease of lands belonging to the Achil Iba Khadri Darga at Channapatna.

With reference to your letter No.R.C.59/35-6 dated 18th March 1936 on the subject referred to above, I am directed to observe that the Sub Division Officer, Closepet, in his report No.A5.151/35.36 dated 6th September 1935 has proposed to levy rent at the rate of Rs.5/- in the case of dry lands and Rs.10/- in the case of wet lands. This proposal, which was supported by the Deputy Commissioner, Bangalore District, was approved in your order No.L.Dis.140/35-36 dated 12th November 1935. I am to request you to be so good as to intimate on what basis the rates of rent payable by the tenants were fixed. The connected records are returned herewith for reference and re-transmission.

I have the honor to be,

Sir,

Your most obedient servant,

for General Secretary to Government

EG—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to ....

General and Revenue Secretariat

( )

the *193* .

Date of issue 15-5-36 .....

Signed by Hy 19-C.S. .....

P. W. D.

List of enclosures ..... T .

Copied by .....

Examined by .....

Section May

File No. 187-35

Serial No. 5

No. 1582

To

Sub Reeds

The Munsif Court.

Sir,

Appeal of Malle Gowda and others regarding the lease of lands belonging to the Akhil Sha Khadri Darga at Channap

With reference to your letter No. H.C.59/35-6 dated 18th March 1936 on the subject referred to above, I am directed to observe that the Sub-Divn. officer, Closepet, in his report No. A3.151/35-36 dated 6th Sept. 1935 has proposed to levy rent at the rate of Rs 5 in the case of dry lands and Rs 10 in the case

WD 01956—GPB—22,500—12 6 34

which was supported by the
Dy. Comr., Bangalore dt.,
was approved in your order
No. R. Dis. 140 / 35-36 dated 12th Nov. F
1935. I am to request
be so good as to intimate on what basis
you to ~~state the basis on which~~
~~rent~~ the rates of rent payable
by the tenants ~~of the land of the~~
~~Durga to referred to above~~
were
~~have been~~ fixed the connected
records are returned herewith for reference
and re-transmission. I have etc.,

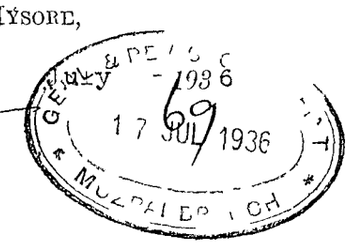
Secy. to Govt.,
Gen. Dept.

13.] S-9
O. 35-36
Enc. file 41

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, 14th July 1936

16

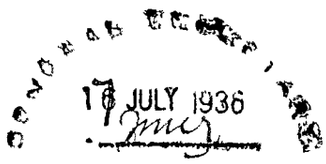


K. V. ANANTARAMAN, ESQ., B A.,
Muzrai Commissioner in Mysore

To

M. Venkatesa Iyengar, Esq., M.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore,

G e n e r a l *Department.*



Appeal of Mallegowda and others re. the lease of lands belonging to the Akhil Sha Khadri Darga at Chennapatna.

SIR.

Adverting to your letter No.1582/Muz. 187-35-5 dated the 15th May 1936 calling for information as to the basis on which the rent was fixed regarding the above, I have the honour to forward herewith a copy of letter No. J.3-3087/35-36 dated the 12th June 1936 from the Deputy Commissioner, Bangalore District, furnishing the information required.

2. The connected records on the subject are forwarded herewith.

I have the honour to be,

S i r,

Your most obedient servant,

M. Ananta Raman

Muzrai Commissioner

Letter No.C.3-3087/35-36 dated 12th June 1936, from the Deputy Commissioner, Bangalore District, to the Muzrai Commissioner in Mysore.

With reference to your office memo No.H.C.59/35-36 dated 22nd May 1936 calling for a report as regards the basis on which the gutta of Rs.5/- and Rs.10/- per acre was proposed in respect of dry and garden lands respectively endowed to the Adil Sha Khadri Darga at Chandapatna, I have the honour to forward herewith report No.A.3-832/35-36 dated 4th June 1936 from the Sub Division Officer, Closepet stating that similar lands in the neighbourhood are fetching a gutta of more than Rs.10/- and Rs.17/- per acre and that in consideration of the fact that the petitioners are in possession of the lands for a long time, a concessional rate of Rs.5/- and Rs.10/- per acre of dry and garden lands was proposed.

The connected records accompany for reference.

" C o p y "

M N Srinivasa Murthy

For Revenue Commissioner.

44

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

43

General and Revenue Secretariat

Dated, Bangalore, 11th August 1936.

No. 229 Muz 187-35 7

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore*

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir

SUBJECT:- Appeal regarding the lease of lands belonging to Akhal Shah Khadri Durga at Channapatna.

Sir,

With reference to your letter No.Hc.59/35-36 dated 16th July 1936 on the above subject, I am directed to state that your office file is not among the records received with your letter under advertence and to request you to be so good as to forward the same for reference and return.

I have the honor to be,
Sir,
Your most obedient servant,

Subbarayappa

for General Secretary to Government.

S.R.2

Section 1143

File No. 187

Serial No. 7

Diary No. of letter replied to .....63.....

No. 229

To

The M.C.

Subject:— Appeal re: Tin lease of lands belonging to Shah Khadir Durga Asha Nagar.

Sir,

With reference to your letter No. Re S.S.-86 of 16.7.1936 on above Subject, I am directed to state that your office file is now amongst the records received with your letter under reference and it may be dealt with as you like.

General and Revenue Secretariat

( )

the *193*

Date of issue 11/8/36

Signed by Mr. D. C-S.

List of enclosures

Copied by

Examined by

WI 0111—GIB—21 000—12-6-37

are sent . I much
hine time be in calling
for cards That are not
received, I am to request
you to be good as to

in all cases all sent See and
that we see I are ~~sent~~ to That
they with be any occasion to
Care for them ~~them~~

dog 10836
Ker-Gen Pa

~~Rob~~

Mlg -35-8

57
5 6
Secn 2 files

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE, **MYSORE**

Bangalore, ...14th..August.....*193* 6.

15

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

GENL. & REV. SECRETARIAT
18 AUG. 1936
MLZ BAI E CH

To The Hon'ble Mr. C. M. Venkatesa Iyengar, Esq., M.A.,
Secretary to Government of His Highness
the Maharaja of Mysore,
.....General.....*Department,*

Appeal Sec. 17 AUG. 1936

Appeal re. the lease of lands belonging to
Akhal Sha Khadri Darga
at Chennapatna.

With reference to your letter No.229/Muz. dated 11th August 1936, I have the honor to forward herewith this office files, viz., App. No.12/35-36 and D1 Dis.No.140/35-36 re. the above, for reference and kind return when done with.

I have the honor to be,
Sir,
Your most obedient servant,

Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 7th September 1936.

No. 381

Mg 187-35-8 xxxxxxxxxxxxxxx

Official Memorandum.

ENDORSEMENT.

To

Mallegowda and Others,
Ryots of Kudlur Village,
C/O, Mr. M. Keshaviengar, B.A., B.L.,
Advocate, Bangalore City.

SIR,

With reference to their petition, dated 27th January 1936 appealing against the order of the Muzrai Commissioner about the lease of the lands belonging to Hazarath Akhil Shah Khadri Durga at Chennapatna, the petitioners are informed that Government see no reason to interfere with the order of the Muzrai Commissioner in the matter.

The stay order granted on 15th February 1936 is therefore withdrawn.

By Order,

Sd. M. Venkatesa Iyengar
General Secretary to Government.

Agra/4.

Memo No. 382 for 3 files

Dated, Bangalore the 7th Sept. 36

Copy of the foregoing is forwarded with compliments to the Muzrai Commissioner tog with records received with correspondence enc# with his letter No.59/55-36 dated 15th August 1936 on the subject.

By Order,

Asst.

For General Secretary to Government

Agg/2.

4 Circle

Section Mu 3

File No. 187 – 35

Serial No. 9

ury No. of letter replied to ...178.....

No. 381

To Malagodda and other ryots of Kudur village
C/o
Mr. N. Keshaviengar B.A.B.L.
Advocate. Bangalore

General and Revenue Secretariat

the 193

e of issue 8/9/36

ved by ... D. Subbarayappa

their
Writ Petn rejected on 23.9.36
~~against the order of the Revenue Divisional Officer~~
against the order of the M.E. about
the lease of the
lands belonging to Sri Ganesh
Akkal Shah Khadi Dargah at
Chandapura. The petitioners are
aggrieved
~~by the order of the Revenue Divisional Officer~~
~~and the order of the Assistant Commissioner~~
in Office Memo No. R23 & 192/36

~~is hereby withdrawn~~ that

List of enclosures .....

Copied by .....

Examined by .....

Office

~~Officials~~ in re Dr allen → The stay order granted is therefore withdrawn

~~Yours faithfully~~

DO

dcg 7/9/36

For Gen See

382 Rne 3 file 98-9-36

Copy of the above is forwarded with

Compliments to the Mng. Comr.

together with the

~~Remarks~~, records received from

Correspondence ending with his

letter No 59/36-31 E. 1/8/36.

on the subject.

C.-O

dcg 7/9/36

7-c